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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: VESPER=1

In re Application of:

Stephen J. VESPER

Serial No.: 09/866,793

Filed: May 30, 2001

For: METHODS FOR ISOLATING
AND USING FUNGAL...

Art Unit: 1645

Examiner: Patricia A. DUFFY

Confirmation No. 5682

Washington D.C.

October 6, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop **AF**
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated July 8, 2005, of the Primary Examiner. The claims appealed are claims 23-33.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$500.00

\$250.00 (small entity)

Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 60.00

[] Second - \$225.00

[] Third - \$510.00

month after time period set

[] Less fees (\$) already paid for _ months extension of time on _.

Other Than Small Entity

Response Filed Within

[] First - \$ 120.00

[] Second - \$ 450.00

[X] Third - \$1020.00

month after time period set

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 1520.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

10/11/2005 MBEYENE1 00000120 024035 09866793

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Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:

Anne M. Kornbau

Registration No. 25,884

AMK:srd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528